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PART II—Section 1

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में देखा जा सक

Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 5th September, 1969/Bhadra 14, 1891 (Saka)

The following Act of Parliament received the assent of the President on the 4th September, 1969, and is hereby published for general information:—

THE CRIMINAL AND ELECTION LAWS AMENDMENT ACT, 1969

No. 35 OF 1969

[4th September, 1969]

An Act further to amend the Indian Penal Code, the Code of Criminal Procedure, 1898 and the Representation of the People Act, 1951 and to provide against printing and publication of certain objectionable matters.

Be it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. This Act may be called the Criminal and Election Laws Amendment Act, 1969. Short title.

Substitution of new section for section 153A.

Promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony.

2. In the Indian Penal Code (hereinafter referred to as the Penal Code), for section 153A, the following section shall be substituted, namely:—

"153A. (1) Whoever—

(a) by words, either spoken or written, or by signs or by visible representations or otherwise, promotes or attempts to promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, disharmony or feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities, or

(b) commits any act which is prejudicial to the maintenance of harmony between different religious, racial, language or regional groups or castes or communities, and which disturbs or is likely to disturb the public tranquillity,

shall be punished with imprisonment which may extend to three years, or with fine, or with both.

Offence committed in place of worship, etc

(2) Whoever commits an offence specified in sub-section (1) in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment which may extend to five years and shall also be liable to fine."

Amendment of section 505

3. Section 505 of the Penal Code shall be re-numbered as sub-section (1) of that section, and—

(i) after sub-section (1) as so re-numbered but before the *Exception*, the following sub-sections shall be inserted, namely:—

Statements creating or promoting enmity, hatred or ill-will between classes

"(2) Whoever makes, publishes or circulates any statement or report containing rumour or alarming news with intent to create or promote, or which is likely to create or promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities, shall be punished with imprisonment which may extend to three years, or with fine, or with both.

(3) Whoever commits an offence specified in sub-section (2) in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment which may extend to five years and shall also be liable to fine.”;

Offence under sub-section (2) committed in place of worship, etc.

(ii) in the *Exception*, after the words “circulates it”, the words “in good faith and” shall be inserted.

4. In the Code of Criminal Procedure, 1898,—

Amendment of Act 5 of 1898

(a) in section 196, for the words “the State Government or some officer empowered by the State Government in this behalf”, the words “the State Government or District Magistrate or such other officer as may be empowered by the State Government in this behalf” shall be substituted;

(b) in Schedule II,—

(i) for the entries in columns 1 to 8 relating to section 153A, the following entries shall be substituted, namely:—

1	2	3	4	5	6	7	8
153A(1)	Promoting enmity between classes.	May arrest without warrant.	Warrant	Not bailable.	Ditto	Imprisonment of either description for three years, or fine, or both.	Presidency Magistrate or Magistrate of the first class.
153A(2)	Promoting enmity between classes in place of worship, etc.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for five years and fine.	Ditto.”;

(ii) for the entry in column 3 relating to section 154, the entry “Shall not arrest without warrant” shall be substituted;

(iii) for the entries in columns 1 to 8 relating to section 505, the following entries shall be substituted, namely:—

1	2	3	4	5	6	7	8
“505(1)	False statement, rumour, etc., with intent to cause mutiny or offence against the public peace.	Ditto	Ditto	Not bailable.	Not compoundable.	Imprisonment of either description for three years, or fine, or both.	Presidency Magistrate or Magistrate of the first class.

1	2	3	4	5	6	7	8
505 2	False statement, rumour, etc., with intent to create enmity, hatred or ill-will between different classes	May arrest without warrant	Ditto	Ditto	Ditto	Imprisonment of either description for three years, or fine, or both.	Ditto.
505 3	False statement, rumour, etc., made in place of worship, etc., with intent to create enmity, hatred or ill-will.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for five years and fine.	Ditto.”.

(iv) for the entries in columns 3 and 7 relating to section 506 as applicable to “Criminal intimidation” (first paragraph), the entries “Shall not arrest without warrant” and “Imprisonment of either description for 2 years, or fine, or both” shall, respectively, be substituted.

Amendment of section 8.

5. In section 8 of the Representation of the People Act, 1951, in sub-section (1), for the words, figures and letters “section 171E or section 171F of the Indian Penal Code”, the words, figures and letters “section 153A or section 171E or section 171F or sub-section (2) or sub-section (3) of section 505 of the Indian Penal Code” shall be substituted.

43 of 1951.

Power to control pre-judicial publications.

6. (1) The Central Government or a State Government or any authority so authorised by the Central Government in this behalf, if satisfied that such action is necessary for the purpose of preventing or combating any activity prejudicial to the maintenance of communal harmony and affecting or likely to affect public order, may, by order in writing addressed to the printer, publisher or editor, prohibit the printing or publication of any document or any class of documents of any matter relating to a particular subject or class of subjects for a specified period or in a particular issue or issues of a newspaper or periodical:

Provided that no such order shall remain in force for more than two months from the making thereof:

Provided further that the person against whom the order has been made may, within ten days of the communication of the order, make a representation,—

(i) to the Central Government, where such order is made by the Central Government or any authority authorised by it; and

(ii) to the State Government, where such order is made by the State Government,

and the Central Government or the State Government, as the case may be, may, after consultation with a Committee, to be known as Press Consultative Committee, dispose of the matter, modifying, confirming or rescinding the order.

(2) In the event of disobedience of an order made under sub-section (1), the Central Government or the State Government or the authority issuing the order, as the case may be, may, without prejudice to any other penalty to which the person guilty of the disobedience is liable under this Act or under any other law for the time being in force, direct that copies of the publication made in violation of an order made under sub-section (1) be seized, and that any printing press or other instrument or apparatus used in the publication be closed down for the period such order is in operation.

7. Whoever contravenes, disobeys or neglects to comply with any order made under section 6 of this Act, shall, on conviction, be punished with imprisonment of either description which may extend to one year, or with fine up to one thousand rupees, or with both. Penalty.

8. (1) A Press Consultative Committee referred to in the second proviso to sub-section (1) of section 6, shall consist of such number of persons, being editors, publishers and journalists, as may be prescribed by rules made under this section. Composition of the Press Consultative Committee and rules in respect thereof.

(2) The Central Government may make rules for the constitution of Press Consultative Committees, the term of office of the members of such Committees, the allowances, if any, to be paid to such members for attending the meetings of the Committee and the manner of filling casual vacancies among them, and for all matters connected therewith or incidental thereto.

(3) In particular, and without prejudice to the generality of the foregoing power under sub-section (2), such rules may provide for all or any of the following matters, namely:—

(a) the number of persons who may be appointed as members of a Press Consultative Committee and the class or category of persons from whom such members are to be appointed;

(b) the authority or authorities which may make such appointments;

(c) the procedure to be followed by the Central Government or the State Government, as the case may be, in consulting the Press Consultative Committee;

(d) the procedure to be followed by the Press Consultative Committee;

(e) any other matter for which rules have to be made for enabling the Press Consultative Committee to function.

(4) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days, which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

N. D. P. NAMBOODIRIPAD,
Joint Secy. to the Govt. of India.